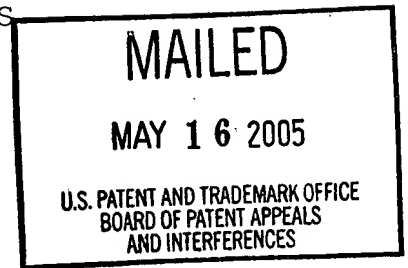


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte BERNARD DASKAL

Application 09/489,655



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on March 1, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

An Information Disclosure Statement (IDS) was filed on October 18, 2002. It is not apparent from the record that the examiner has considered the statement submitted nor notified

Application 09/489,655

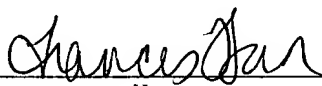
applicant(s) of why the submission did not meet the criteria set forth in 37 CFR § 1.197 and § 1.98.

Accordingly, it is

ORDERED that the application is returned to the examiner for consideration of this IDS and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



Frances Han
Program and Resource Administrator
(571) 272-9797

cc:

Charles R. Macedo
Amster, Rothstein & Ebenstein
90 Park Avenue
21st Floor
New York, NY 10016

FH/cam



#12
DA
10/30/02
28951/3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Bernard Daskal
Serial No. : 09/489,655
Filed : January 24, 2000
For : COLORED PANTY LINERS
Examiner : Catharine L. Anderson
Group Art Unit : 3761

"Express Mail" mailing label No. EV 031301751 US

Date of Deposit: October 18, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Washington, D.C. 20231.
Name: Brian A. Comack

Signature: [Signature]

RECEIVED

OCT 24 2002

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Washington, D.C. 20231

TECHNOLOGY CENTER R3700

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97, and 1.98, Applicant encloses herewith forms PTO/SB/08A and PTO/SB/08B, containing references which although not believed to be prior art to the present Application may nevertheless be deemed relevant to the above-identified application, along with a copy of each of the documents and products cited therein. The Examiner is respectfully requested ~~fully~~ to consider all of the enclosed items and independently to assess their teachings.

No item of information contained in the enclosed Information Disclosure Statement ("IDS") was cited in a communication from a foreign Patent Office in a counterpart foreign application. The information disclosed herein is not believed to be prior art to the present Application since it was neither published nor sold to the public after the time that the Application was filed. Accordingly, although not material to patentability under 37 CFR § 1.56, Applicant nevertheless discloses these material to make

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Applicants : Bernard Daskal
Serial No. : 09/489,655
Filed : January 24, 2000
Page 2

the record complete, as Applicant makes reference to these materials in the Appeal Brief submitted herewith.

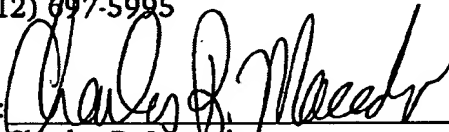
It is believed that no additional fees are necessary in connection with the filing of this Information Disclosure Statement. However, if any fees are required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 01-1785.

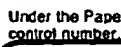
Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN
90 Park Avenue
Attorneys for Applicant
New York, New York 10016
(212) 697-5995

Dated: October 18, 2002
New York, New York

By:


Charles R. Macedo
Registration No. 32,781



Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

U.S. PATENT DOCUMENTS

[illegible][illegible]

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.**



Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	09/489,655
				Filing Date	January 24, 2000
				First Named Inventor	Bernard Daskal
				Group Art Unit	3761
				Examiner Name	Catherine L. Anderson
				Attorney Docket Number	28951/3
Sheet	2	of	2		

[illegible]

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OCT 24 2002
TECHNOLOGY CENTER R3700

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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